

**REMARKS**

Claims 1 to 31 are pending in this application. None have been allowed.

At the top of page 2 of the Action, the Examiner sets a Restriction Requirement and identifies the following inventions:

- I. Claims 1-16 and 19-21 are drawn to compound of formula I and compositions comprising active ingredient from estrogen and estrogen derivatives
- II. Claims 17, 18 and 23-31 are drawn methods of treating condition a mammal associated with androgen deficiency with compound of formula I
- III. Claim 22, drawn to a process of making a pharmaceutical composition comprising compound of formula I and a carrier.

At this time, applicants elect Group I, with partial traverse.

37 CFR 1.475 states that a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims drawn only to one of the following combination of categories:

- a. a product and a process specially adapted for the manufacture of said product; or
- b. a product and a process of use of said product; or
- c. a product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
- d. a process and an apparatus or means specially designed for carrying out the said process; or
- e. a product, a process specially adapted for the manufacture of the said product, and an apparatus or means specially designed for carrying out the said process.

Applicants respectfully submit that the present situation fits into category b. That is, method claims 17, 18 and 23-31 are directed to methods of using the product. Moreover, both the compound claims and the method of use claims share novel compounds of claim 1 as a "technical feature". Accordingly, Applicants respectfully submit that once allowable compounds of Group I are identified, the methods of use (Group II) should be re-joined to the extent that they are directed to the use of allowable compounds or pharmaceutical compositions of Group I.

At the bottom of page 3 of the Action, the Examiner requests the election of single species within the elected Group (Group I). At this time, applicants elect the species of Example 35, which is in Table 2 at page 58 of the application.

This species includes the following definitions:

a = double bond;

b = single bond;

R1 = C1-3alkyl;

R4 = halo;

X = H;

Y = H;

R2 = H;

R3 = (CH<sub>2</sub>)<sub>n</sub>-heteroaryl;

R5 = (carbonyl)<sub>0-1</sub>C1-10alkyl;

n = 0.

The following claims of elected Group I are readable on the elected species:

1, 2, 5, 6, 7, 8, 9, 10, 14, 15, 16, 19, 20, 21.


For completeness, applicants elect "weakened muscle tone" as the species of condition. The following methods claims are readable on "weakened muscle tone":

17, 24.

I would note further that claims methods 17 and 24 are readable on the elected compound.

Having addressed the outstanding issues, Applicants respectfully request early examination and allowance of the claims. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of this application.

Respectfully submitted,

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